

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/13/2018

BOARD MEMBERS PRESENT: Gary R Bond - Chair
Rodney Underhill
J Robert Pilote
Todd Webb

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Eric Nelson, Board Prosecutor
Mary Miles, Technical Records Specialist II
Kim Aksamit, Technical Records Specialist II

OTHERS PRESENT: Mark Halverson, Dearson Contractors LLC
Travis DeArmond, Dearson Contractors LLC
Ignacio Martinez, Six Brothers Framing LLC
Oles Pishchanetskiy, Custom Finish Carpentry

The meeting was called to order at 8:30 AM MST by Gary R Bond.

APPROVAL OF MINUTES

Mr. Pilote made a motion to approve the minutes of 12/12/2017 and 1/17/2018. It was seconded by Mr. Underhill. Motion carried.

Mr. Pilote made a motion to rescind the minutes of 1/17/2018 from the previous motion and asked that the minutes be tabled for corrections. It was seconded by Mr. Webb. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadlines to submit proposed law and rule changes to the Governor's Office have passed for the 2018 Legislative Session. The deadline to submit proposed law changes to the Governor's Office is mid-July and the deadline to submit proposed rule changes to the Governor's Office is mid-August for the 2019 Legislative Session.

Ms. Cory informed the Board that Senate Bill 1316 has been printed and referred to the Senate Judiciary and Rules Committee. The concept is to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees if the person or entity was found to have not violated the Board's laws and rules.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$136,460.23 as of 1/31/2018. Ms. Hall presented a five year comparison report. The Board members will review and discuss at its 4/10/2018 conference call.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case numbers CON-2018-17, CON-2018-25, and CON-2018-11. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Underhill made a motion to close case CON-2018-2 with a warning letter. It was seconded by Mr. Pilote. Motion carried.

Mr. Nelson presented Stipulation and Consent Orders in cases CON-2018-6, CON-2018-12, CON-2018-41, and CON-2018-42. Mr. Pilote made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Underhill. Motion carried.

Mr. Nelson presented Findings of Fact, Conclusions of Law and Final Orders in cases CON-2017-97, CON-2017-98, CON-2017-115, and CON-2017-124. Mr. Pilote made a motion to approve the Final Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Webb. Motion carried.

Mr. Nelson presented an Emergency Suspension for case CON-2018-31. Mr. Webb made a motion to approve the Emergency Suspension and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Pilote. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel discussed with the Board members the voluntary surrender process and the collection process.

FOR BOARD DETERMINATION

Mr. Pilote made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2018-3, I-CON-2018-5, I-CON-2018-73, I-CON-2018-74, I-CON-2018-102, I-CON-2018-110, I-CON-2018-116, I-CON-2018-119, I-CON-2018-140, I-CON-2018-173. It was seconded by Mr. Webb. Motion carried.

Mr. Pilote made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2017-150, I-CON-2017-181, I-CON-2017-182, I-CON-2017-201, I-CON-2017-213, I-CON-2017-256, I-CON-2017-258, I-CON-2017-271, I-CON-2017-293, I-CON-2017-294, and I-CON-2018-20. It was seconded by Mr. Webb. Motion carried.

LEGISLATIVE INTERIM COMMITTEE UPDATE

Mr. Ellsworth updated the Board on the Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Mr. Ellsworth reported that House Bill 623 has been printed and referred to the House Judiciary, Rules and Administration Committee. The bill would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

TO DO LIST

The Board reviewed the To Do List and no action was taken.

EXECUTIVE SESSION

Mr. Webb made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Pilote. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

Mr. Webb made a motion to come out of executive session. It was seconded by Mr. Pilote. It was seconded by Mr. Pilote. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

APPLICATIONS

Mr. Pilote made a motion to approve Dearson Contractors LLC, RCE-46280, for a registration. It was seconded by Mr. Webb. Motion carried.

Mr. Pilote made a motion to approve Six Brothers Framing LLC, RCE-45979, for a registration. It was seconded by Mr. Webb. Motion carried.

Mr. Pilote made a motion to approve Oles Y Pischanskiy, RCT-45931, for a registration. It was seconded by Mr. Webb. Motion carried.

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Mr. Webb made a motion to approve 901156656 pending receipt of further information. It was seconded by Mr. Pilote. Motion carried.

Mr. Pilote made a motion to table 901156737 pending an interview with the applicant. It was seconded by Mr. Webb. Motion carried.

Mr. Webb made a motion to approve the following for registrations:

Approved for Licensure

ALL STAR CONSTRUCTION LLC	RCE-46516
J&M EXTERIORS LLC	RCE-46540
MOLDING MUD INC	RCE-46705
RADIO FREQUENCY SYSTEMS INC	RCE-46765
MQ CONSTRUCTION LLC	RCE-46771
BROZEK MATT B	RCT-46503
COREY KEVIN ALEXANDER	RCT-44890
KHOCHAY TARAS P	RCT-46636
MCFARLAND JUSTIN ALLAN	RCT-46783
MEDINA ROQUE	RCT-46626
REINBOLD TROY DON	RCT-46549

It was seconded by Mr. Pilote. Motion carried.

NEXT MEETING was scheduled for 3/13/2018 at 10:00 AM.

EXECUTIVE ORDER

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Mr. Pilote to prepare the final draft for review and final approval at the 4/10/2018 meeting.

INSURANCE AUDIT UPDATE

Ms. Miles updated the Board members on the 1/25/2018 insurance audit. The audit consisted of flagged and 1% random registrations for individual and business entities. A final update will be given at the 4/10/2018 meeting.

WORKERS COMPENSATION EXEMPTION

The Board members discussed the worker's compensation requirement. The Board members are concerned that the applicants do not understand the worker's compensation requirement. Mr. Ellsworth informed the Board of the requirement for obtaining the registration. The Board directed the Bureau to contact the Idaho Industrial Commission to invite them to the next meeting to discuss worker's compensation.

MINUTES

Mr. Pilote made a motion to approve the minutes of 1/17/2018 as amended. It was seconded by Mr. Webb. Motion carried.

ADJOURNMENT

Mr. Pilote made a motion to adjourn the meeting at 12:30 PM. It was seconded by Mr. Webb. Motion carried.

Gary R Bond, Chair

Rodney Underhill

J Robert Pilote

Rebecca Ann Bowen Odom

Tana Cory, Bureau Chief